



UNCLASSIFIED//~~FOUO~~

CENTRAL INTELLIGENCE AGENCY  
Washington, D.C. 20505

General Counsel

7 February 2014

The Honorable Eric Holder  
Attorney General  
Department of Justice  
Washington, D.C. 20530

ATTENTION: Mr. George Toscas  
Deputy Assistant Attorney General  
National Security Division

Re: Crimes Referral

Dear Mr. Attorney General:

(U//~~FOUO~~) I am writing to you pursuant to Section 1.6(b) of Executive Order 12333, as amended, and Sections VI.B, VII.A.4, and VIII.A of the 1995 Crimes Reporting Memorandum of Understanding between the Department of Justice and the Intelligence Community pertaining to the reporting of information concerning federal crimes ("the MOU").

(U//~~FOUO~~) The Central Intelligence Agency (CIA) has information relating to possible violations of a specified Federal criminal law by one or more individuals not employed by the CIA. Since the computer system on which these possible violations occurred contains highly classified information, I am reporting in accordance the procedure set forth in Section VIII.C of the MOU.

(U//~~FOUO~~) The following information provides a reasonable basis to conclude that a violation of 18 U.S.C. § 1030(a)(2)(B), a specified Federal criminal law, has occurred. This information derives from a limited security investigation that was suspended before completion; only a completed investigation would determine whether or not a violation occurred. There is a computer system or network ("system") located in a CIA facility. Certain non-employees have authorized access to a portion of that system. A "firewall" exists between the portion to which those non-employees have authorized access and the portion to which they do not have authorized access. There is a search tool on the system that allows the non-employees to conduct

UNCLASSIFIED//~~FOUO~~

~~UNCLASSIFIED//FOUO~~

The Honorable Eric Holder,

searches to retrieve documents on their portion of the system. That search tool had a security vulnerability, now remedied, that could be exploited to allow non-employees to breach the firewall and retrieve documents on the part of the system to which they were not authorized access. An incomplete audit indicates that at least one non-employee exploited that vulnerability to retrieve a number of CIA documents on the portion of the system to which he or she did not have authorized access.

(U//~~FOUO~~) The information made available to me indicates that in the November 2010 timeframe, the non-employee conducted a search that appeared intended to reach into part of the computer system to which the non-employee did not have authorized access. In such a circumstance, the system was designed to bring up on the workstation screen a page that advised the non-employee was not authorized to access that document. This page, however, had the security vulnerability that has since been discovered and remedied. The security vulnerability was that the page also contained a "URL" that indicated where the document was located on the system and if an individual copied the URL and pasted it into the browser's address bar, the individual could gain access to the document, copy it, bring that copy across the firewall, and paste it into a folder on his or her side of the firewall. The information made available to me indicates the non-employee copied the URL, pasted it directly into the browser's address bar, and accessed the document.

(U//~~FOUO~~) The information made available to me further indicates that this non-employee repeated this activity numerous times in order to access, copy, and bring across the firewall CIA documents to which he or she did not have authorized access. If the system worked as designed, on each occasion, the non-employee would have received on the workstation screen a page informing him or her that he or she did was not authorized to access the document. This non-employee copied all of these documents into a file or folder on the portion of the system to which he or she had authorized access. Thereafter, at least four other non-employees accessed and printed these CIA documents on multiple occasions. It is not clear whether any of these other four non-employees may also have exploited the security vulnerability.

~~UNCLASSIFIED//FOUO~~

~~UNCLASSIFIED//FOUO~~

The Honorable Eric Holder,

(U//~~FOUO~~) Some or all of the documents accessed by exploiting the security vulnerability contained the following banner:

(U//~~FOUO~~) This classified document was prepared by the CIA Director's Review Group for Rendition, Detention, and Interrogation (DRG-RDI) for DRG-RDI's internal discussion purposes and should not be used for any other purpose, nor may it be distributed without express permission from DRG-RDI or CIA's Office of General Counsel. This document contains classified information derived from sensitive sources and methods, which may include, but may not be limited to, HUMINT, SIGINT, intelligence assets, other US Government agencies, and/or foreign governments and liaison services, and must be handled accordingly. This document also contains material protected by the attorney-client and attorney work-product privileges. Furthermore, this document constitutes deliberative work product, protected by the deliberative-process privilege, and is not a final, conclusive, complete, or comprehensive analysis of DRG-RDI or CIA. Rather, it was created to suit the needs of DRG-RDI, in support of informing senior Agency officers about broad policy issues. While every effort was made to ensure this document's accuracy, it may contain inadvertent errors. For this reason, and because this document selectively summarizes, draws inferences from, or omits information from the sources it cites, it should not be relied upon by persons outside DRG-RDI.

(U//~~FOUO~~) At the request of the Director of the CIA, the CIA Inspector General (IG) opened a review into the actions of CIA employees who discovered the above information. On 30 January 2014, representatives of the IG discussed with the Criminal Division's Computer Crimes and Intellectual Property Section (CCIPS), information concerning possible violations of Title 18 U.S.C. §§ 1030 and 2511 by CIA employees. On 3 February 2014, the CIA IG's office issued crimes referral 2014-11718 to CCISP based in part on those discussions. The IG did not include in his crime referral any information regarding the potential criminal violation by the non-employees, deferring to the Agency to determine whether the information available met the standard to issue a crimes report on the non-employees.

(U//~~FOUO~~) As the Acting General Counsel, that determination was my responsibility under the MOU. As noted above, I have determined there is a reasonable basis to conclude

~~UNCLASSIFIED//FOUO~~

~~UNCLASSIFIED~~//FOUO

The Honorable Eric Holder,

that a violation of 18 U.S.C. § 1030(a)(2)(B), a specified Federal criminal law, has occurred.

Sincerely,



Acting General Counsel

copy to: Inspector General

(b)(3)

~~UNCLASSIFIED~~//FOUO